

NO. XXX

SINGLE-USE PLASTIC BAG BYLAW

A BYLAW OF THE _____ OF _____

The purpose of this Bylaw is to prohibit the sale or free distribution of Single-Use Plastic Bags within the _____ of _____

WHEREAS pursuant to sections _____ and _____ of the *Community Charter*, the Council is empowered to regulate the sale or free distribution of Single-Use Plastic Bags within the _____ of _____.

NOW THEREFORE, the Council of the _____ of _____ in open meeting assembled ENACTS AS FOLLOWS:

PART 1 – INTRODUCTION**Title**

- 1 This Bylaw may be cited as the “SINGLE-USE PLASTIC BAG BAN BYLAW No. _____, 201_____”.

Definitions

- 2 In this Bylaw

“**Biodegradable Plastic Bag**” or “**Compostable Plastic Bag**” means any bag which is composed of, in whole or part, biodegradable plastic, Ox-biodegradable plastics, Plastarch Material (PSM), polylactide or any other plastic resin composite that is intended to degrade at a faster rate than non- biodegradable plastic film.

“**Compliant Bag**” means a Reusable Bag or a Paper Bag.

“**Customer**” means a person purchasing food, goods, materials or services from a Retail Business (or Food Service Establishment).

“**Food Premises**” means any place where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed.

“**Food Service Establishment**” means Food Premises in which food is:

- (a) processed;

(b) served or dispensed to the public; and

(c) intended for immediate consumption,

but does not include Food Premises in which

(d) only prepackaged food that is not potentially hazardous food is served or dispensed to the public; or

(e) unpackaged food that is not potentially hazardous food is served or dispensed to the public if the service or dispensing does not result in the risk of a health hazard occurring.

“Paper Bag” means a bag containing ____ Percentage (____%) of post consumer recycled paper content.

“Retail Business” means a business that sells or offers for sale food, goods or services to Customers who will use or consume such items but does not include a Food Service Establishment.

“Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse by Customers for the purpose of transporting items purchased by the Customer from a Retail Business (or Food Service Establishment) and that meets the following requirements:

- (i) is made of cloth or other machine washable fabric; or
- (ii) is capable of being used a minimum of ____ times to carry a minimum of ____ kgs over a distance of ____ meters;
- (iii) will continue to be usable having been washed up to ____ times; and
- (iv) if made of plastic is at least [2.25] mils [OR ____ microns] thick.

“Single-Use Plastic Bag” means any bag made with plastic except for a Reusable Bag and includes Biodegradable Plastic Bags and Compostable Plastic Bags.

PART 2 – REGULATIONS

- 3 No Retail Business (or Food Service Establishment) shall sell or provide Single-Use Plastic Bags free of charge or allow Single-Use Plastic Bags to be sold or provided free of charge to a Customer.

- 4 No person employed by or acting on behalf of a person carrying on a Retail Business (or Food Service Establishment) shall sell or provide Single-Use Plastic Bags free of charge or allow Single-Use Plastic Bags to be sold or provided free of charge to a Customer.
- 5 Nothing in this Bylaw shall preclude owners of Retail Businesses (or Food Service Establishments) from making Compliant Bags, available for sale or free of charge to Customers.
- 6 No Retail Business (or Food Service Establishment) shall deny the use of a Reusable Bag by a Customer for the purpose of transporting items purchased by the Customer from the Retail Business (or Food Service Establishment).

PART 3 – EXEMPTIONS

- 7 Notwithstanding the Regulations in Part 2 of this Bylaw, a Retail Business (or Food Service Establishment) may provide Single-Use Plastic Bags to its Customers in the following circumstances:
 - (i) to package loose bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items such as nails and bolts;
 - (ii) to contain or wrap frozen foods, meat, poultry, or fish, flowers or potted plants, whether pre-packaged or not;
 - (iii) to protect prepared foods or bakery goods that are not prepackaged;
 - (iv) to contain prescriptions drugs received from a pharmacy;
 - (v) to protect newspapers, coupons, advertisements and flyers intended to be left at the front door of homes;
 - (vi) to protect clothes following professional laundering or dry cleaning; and
 - (vii) where plastic bags are sold in packages containing multiple bags intended for such uses including, but not limited to garbage bags, pet waste bags, yard waste bags, or recycling bags.

PART 4 - PENALTY

- 8 Every person that contravenes or violates any provision of this bylaw or any Permit or order issued pursuant hereto, or who suffers or permits any act or thing to be done in contravention or in violation of any provision of this bylaw or any Permit or order issued, or who neglects to do or refrains from doing anything required to be done by any provisions of this bylaw or any Permit or order issued, commits an offence and shall be liable, on summary conviction, to a fine of not more than

\$10,000.00, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter SBC 2003, c.26* or the *Offence Act RSBC 1996 c 338*. Where the offence is a continuing one, each day that the offence continues shall be a separate and distinct offence.

PART 5 – GENERAL PROVISIONS

9 If any provision or part of a provision of this Bylaw is declared by any court or tribunal of competent jurisdiction to be illegal or inoperative, in whole or in part, or inoperative in particular circumstances, the balance of the Bylaw or its application in any other circumstances shall not be affected and shall continue to be in full force and effect.

10 This Bylaw shall come into force on _____.

READ A FIRST TIME this ____ day of _____, 201__

READ A SECOND TIME this ____ day of _____, 201__

READ A THIRD TIME this ____ day of _____, 201__

Approved by the Minister of Environment this ____ day of _____, 201__ **[Optional]**

Adopted this ____ day of _____, 201__